

UNITED STATES DISTRICT COURT

for the
Middle District of North Carolina

In the Matter of the Search of
*(Briefly describe the property to be searched
 or identify the person by name and address)*
 INFORMATION RE: FACEBOOK USER
 "ELIJAH.SWAIN.37"
 WITH FACEBOOK ID 100001205943752

Case No. 1:17MJ

293-1

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:
 Information associated with the captioned Facebook account stored at premises owned, maintained, controlled or operated by Facebook, Inc., as further described in Attachment A.

located in the Northern District of California, there is now concealed *(identify the person or describe the property to be seized)*:

Evidence of the crimes of 18 U.S.C. §§ 371, 924(c), 1951, and 2119, as further described in Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

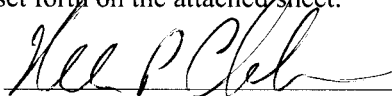
The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 1951(a);	Interference With Commerce by Robbery
18 U.S.C. § 2119; and,	Carjacking
18 U.S.C. § 924(c)(1)(A)(ii)	Brandishing a Firearm in Furtherance of a Crime of Violence

The application is based on these facts:

See attached Affidavit.

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

ATF TFO Michael Chamberlin

Printed name and title

Sworn to before me and signed in my presence.

Date: 8/24/17 11:35 AM

City and state: Durham, North Carolina



Judge's signature

Joe L. Webster, United States Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN THE MATTER OF THE SEARCH
OF INFORMATION ASSOCIATED
WITH FACEBOOK USER
“ELIJAH.SWAIN.37” WITH
FACEBOOK ID 100001205943752
THAT IS STORED AT PREMISES
CONTROLLED BY FACEBOOK
INC.

Case No. 1:17MJ 293-1

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Michael Chamberlin, being first duly sworn, hereby depose and state
as follows:

INTRODUCTION AND BACKGROUND

1. I am a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) and am currently assigned to the Raleigh, North Carolina Field Office, having been so deputized since June 2014. I am also a detective with the Durham Police Department, with whom I have been employed as a law enforcement officer since February 2007. In my capacity as an ATF Task Force Officer, I have been involved with the investigation of various forms of federal crimes, including violations of the federal firearms

statutes as well as violent crimes. Through my training and experience, I have become familiar with Federal criminal laws.

2. I am investigating Russell Lee Wright, III., aka “Trigger” aka “Trez” aka “Trigg” (hereinafter “Wright”), Jamel Tyree Lunsford aka “Action” aka “Beaver” (hereinafter “Lunsford”), Thomas Wayne Stanback aka “Chief” (hereinafter “Stanback”), Elijah Rakwon Swain (hereinafter “Swain”), and others, both known and unknown, for violations of, *inter alia*, 18 U.S.C. § 1951 (interference with commerce through robbery), 18 U.S.C. § 2119 (carjacking), 18 U.S.C. § 924(c) (the use of firearms in connection with federal crimes of violence), and 18 U.S.C. § 371 (related conspiracies), occurring in the Middle District of North Carolina and the Eastern District of North Carolina.

3. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), (b)(1)(A), and (c)(1)(A) to require Facebook Inc. (“Facebook”), a social networking company headquartered in Menlo Park, California, to search their records pertaining to the Facebook user “elijah.swain.37” with Facebook ID 100001205943752, further described in Attachment A, and to disclose to the government copies of the records and other information (including the content of communications) related to this

account particularly described in Sections I and II of Attachment B, which constitute evidence of the crimes under investigation.

4. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. *See* 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

5. The information contained in this affidavit is based on my personal involvement in this investigation as well as information obtained from other members of law enforcement. Since this affidavit is being submitted for the limited purpose of establishing probable cause, I have not included each and every fact known to me concerning this investigation, and have set forth only those facts I believe are necessary for said purpose.

PROBABLE CAUSE

6. On October 19, 2016, A.G. reported the theft of his tan Nissan Altima (XZB-3611) to officers from the Durham Police Department (“DPD”). A.G. told police that earlier in the day his grandson, Wright, visited him for the first time in ten years. Wright asked what time he would be home from his doctor visit later that day. When he got home from this appointment, his .380 caliber handgun and his tan Nissan Altima (XZB-3611) were gone.

7. On October 21, 2016, victim T.Y. reported the theft of his blue Hyundai Sonata (EBD-2174) from a gas station. The store attendant told police that the blue Hyundai Sonata (EBD-2174) was stolen by a suspect who got out of a Nissan Altima. Responding officers located the stolen tan Nissan Altima (XZB-3611), and stopped Swain and two women leaving the area on foot. Swain told police that Wright picked him up earlier that day in the Altima. Both women told police that they were riding in the Altima with Trez (Wright), and that they thought the car belonged to his grandfather. One woman told police that Action (Lunsford) stole a car at the gas station. Police forensics processed the tan Nissan Altima (XZB-3611), and recovered latent fingerprints belonging to Lunsford on the exterior of the front door, rear door, and rear quarter panel, and fingerprints belonging to Swain on the hood.

8. On October 24, 2016, at approximately 3:20 p.m., the stolen blue Hyundai Sonata (EBD-2174) was used as the getaway car during a robbery of the Speed EEZ convenience store located at 1624 Glenn School Road in Durham, North Carolina. The stolen car parked at the gas pumps in front of the store, and multiple suspects wearing dark hoodies entered the store. One suspect brandished a handgun. The suspects took money from the cash register. A deputy recognized one of the suspects on the surveillance footage as Lunsford, whom he had encountered previously in a traffic stop.

9. On October 24, 2016, at approximately 9:10 p.m., DPD officers responded to an armed robbery at Golden Subs and Pizza located at 2300 Chapel Hill Road in Durham, North Carolina. Witnesses told responding officers that multiple suspects wearing dark hoodies robbed the store. At least one suspect brandished a handgun. The suspects took the cash register. One of the victims subsequently picked Lunsford out of a lineup with 98% certainty as one of the suspects who robbed the store.

10. On October 27, 2016, DPD officers found the stolen blue Hyundai Sonata (EBD-2174). The car had been abandoned. Forensics recovered a latent fingerprint belonging to Wright on the trunk of the car and latent fingerprints belonging to Lunsford on the hood and rear quarter panel.

11. On October 26, 2016, at approximately 6:22 p.m., DPD officers responded to Cook Road in Durham, North Carolina, in response to a call about a carjacking. The reporting party, P.C., told responding officers that he gave a ride to three young men. At the end of the ride, one pulled a small-caliber, black semi-automatic handgun from his pocket. The suspects pulled P.C. from his car and threw him to the ground. The three suspects fled in P.C.'s 2004 white Chevrolet Impala (EEX-7267). P.C. was later shown a photographic lineup, and was unable to identify any suspects.

12. On October 26, 2016, at approximately 9:43 p.m., DPD officers responded to an armed robbery at the Subway located at 3600 Hillsborough Road in Durham, North Carolina. Witnesses reported to responding officers that multiple suspects robbed the store. One suspect brandished an item described as a black handgun. The suspects emptied the cash register and fled in a Chevrolet Impala. One of the witnesses was later shown a photographic lineup, and was unable to identify any suspects.

13. On October 26, 2016, at approximately 10:24 p.m., DPD officers attempted to stop the stolen white Chevrolet Impala (EEX-7267). The driver fled at speeds in excess of 90 mph before crashing in the front yard of 3814 Fayetteville Street. Officers discovered a jacket in the front passenger seat that had a fake black handgun in the pocket. Forensics recovered latent fingerprints matching Swain on the exterior rear door and latent fingerprints matching Lunsford on the exterior rear door, gas tank door, and rear quarter panel.

14. On November 23, 2016, DPD officers responded to a carjacking at 67 Stonewall Way in Durham, North Carolina. The victim, R.V., reported that she got out of her car to check her mail at her apartment complex. She was approached by a suspect who pointed a silver gun at her and said, "Ma'am, step away from the car." The suspect then got into the driver's seat

of her car. Another suspect climbed into the passenger seat. The suspects drove away in R.V.'s 2007 grey/silver Honda Accord (YNY-7712). R.V.'s neighbor told officers that both suspects arrived in another vehicle, driven by a third suspect, which followed R.V. into the complex.

15. On November 27, 2016, officers with the Raleigh Police Department responded to an armed robbery at the Wingstop located at 7880 Alexander Promenade Place in Raleigh, North Carolina. Witnesses reported that multiple suspects robbed the store. One suspect brandished a small-caliber, semiautomatic handgun with a silver slide and black frame. One suspect wore navy-blue shoes with a gold tongue. The suspects forced the manager to open the register and safe. The suspects took money from the registers and money from the safe, which was in blue deposit bags marked "AM" and "PM." The suspects fled in a silver Honda Accord. Forensics recovered a latent fingerprint on the store safe that matched Lunsford.

16. Later on November 27, 2016, DPD officers responded to an armed robbery at the Circle K located at 2322 N.C. Hwy 54 East in Durham, North Carolina. The clerk reported that multiple suspects robbed the store. One brandished a handgun. The suspects took cash from the register and cigarettes. The suspects also stole the clerk's cell phone. The clerk told police that the suspects fled in a silver Honda Accord with a license plate ending in

“7212.” Police forensics responded and recovered a latent fingerprint matching Wright from a tan cigarillo wrapper that was located on the floor between the register counter and the cigarette display.

17. On December 3, 2016, at approximately 8:40 p.m., DPD officers responded to a carjacking call at 215 William Penn Plaza in Durham, North Carolina. The victim, C.Y., reported that she was exiting her vehicle in her apartment complex parking lot when a suspect approached. The suspect pushed a silver revolver into her side and said, “Give me the keys.” The suspect took the keys and fled in C.Y.’s 2011 red GMC Terrain (XVK-2296). Officers contacted OnStar, which tracked the vehicle using GPS and locked the vehicle’s ignition. Durham County Sheriff’s Office deputies recovered the vehicle in the parking lot of a business. Police forensics responded to process the vehicle at approximately 10:30 p.m., less than two hours after the theft. A latent fingerprint was recovered from C.Y.’s cell phone, which was left on the driver’s seat. This fingerprint matched Stanback. C.Y. was later shown a photographic lineup, but was unable to identify any suspects.

18. On December 4, 2016, at approximately 9:34 p.m., DPD officers responded to an armed robbery at New Top China restaurant located at 5324 New Hope Commons Drive in Durham, North Carolina. Witnesses reported that multiple suspects robbed the store. One suspect brandished a handgun.

The suspects took cash from the store as well as an employee's cell phone and keys before fleeing in a small silver vehicle.

19. On December 4, 2016, at approximately 10:40 p.m., DPD officers responded to an armed robbery at Tommy's Citgo located at 1805 South Miami Boulevard in Durham, North Carolina. The cashier reported that multiple suspects robbed the store. One suspect brandished a silver handgun. The suspects took cash, Newport cigarettes, Game cigars, and the cashier's wallet, all of which they put into a paper bag taken from under the counter. The suspects fled in a silver Honda Accord.

20. On December 8, 2016, at approximately 9:34 a.m., DPD officers responded to an armed robbery at the Cricket Wireless store located at 1213 University Drive in Durham, North Carolina. Witnesses reported that multiple suspects robbed the store. One suspect brandished a black revolver. The suspects took cash from the register and multiple cell phones, before fleeing in a silver Honda Accord bearing the license plate (YNY-7712).

21. On December 8, 2016, at approximately 11:15 a.m., school surveillance cameras captured Stanback parking the stolen 2007 grey Honda Accord (YNY-7712) across the street from Lakeview High School in Durham, North Carolina. Police reviewed past surveillance video footage from the school and discovered that Stanback had driven the stolen 2007 grey Honda

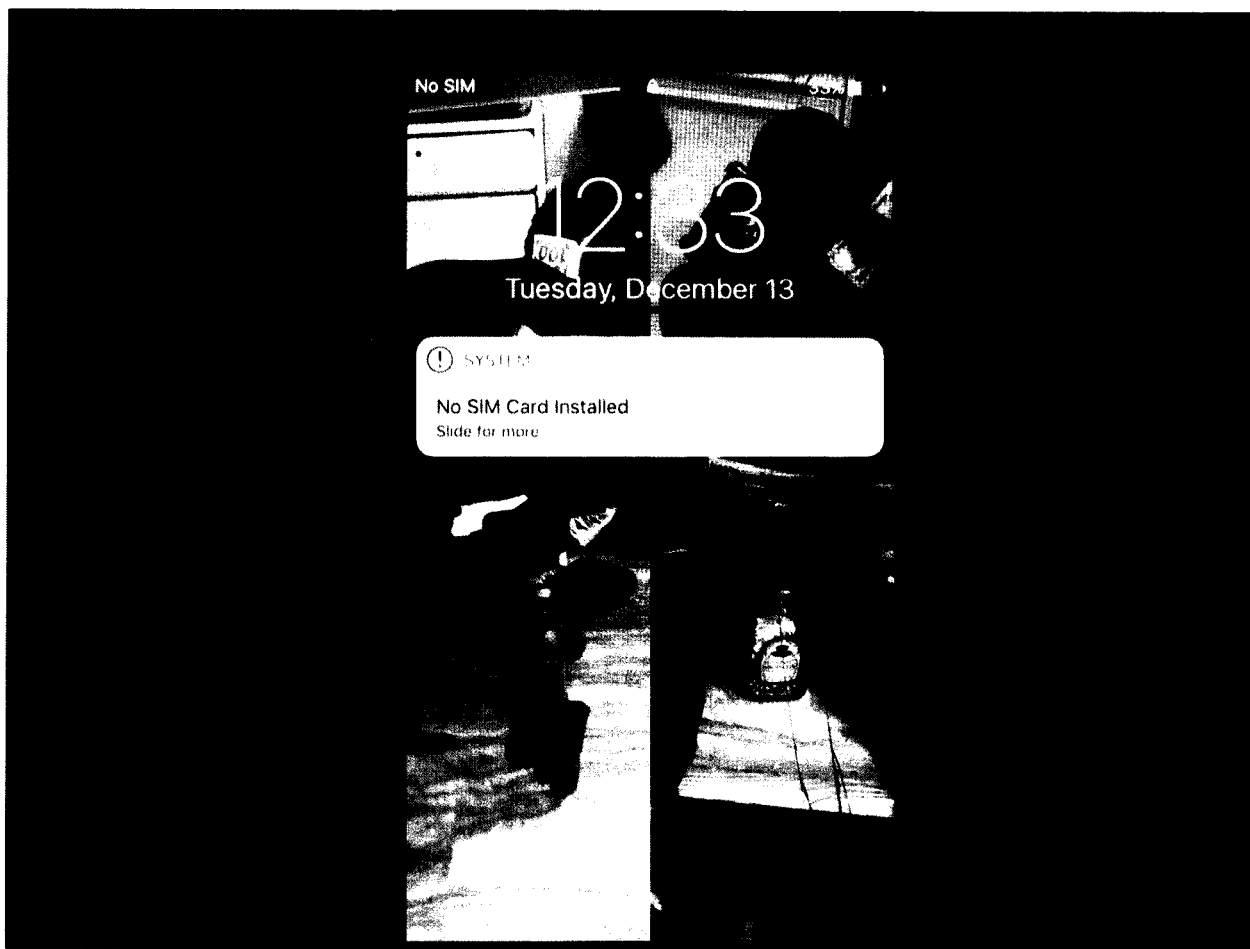
Accord (YNY-7712) to school on December 1st, 2nd, 5th, and 8th. Officers attempted to confront Stanback at school, but he fled.

22. The school had seized an Apple iPhone 5S from Stanback, as phones were not allowed in class. Officers obtained a search warrant to examine the phone, IMEI number 352027066640100, telephone number 919-885-3808. The phone contained a picture of a black revolver. The contact list on the phone included an entry for "Trigg" with the listed number 704-293-2657.

23. Officers obtained a search warrant and examined the stolen 2007 grey Honda Accord (YNY-7712). Officers recovered a latent fingerprint matching Stanback on a cup in the center console. Paperwork in the car bore his name. Police found a mask and gloves in the car, along with a single .38 caliber bullet on the back seat. Inside the glove box, officers found the wallet stolen from the clerk during the robbery of Tommy's Citgo on December 4, 2016. In the center console, officers discovered the cell phone stolen from an employee during the robbery of New Top China on December 4, 2016. In the trunk, police found the blue deposit bags marked "AM" and "PM" consistent with those stolen in the robbery of Wingstop on November 27, 2016. Officers also found navy blue shoes with gold tongues in the trunk consistent with the shoes worn by a suspect in that same robbery.

24. The next day, on December 9, 2016, members of the United States Marshals Service task force arrested Stanback and Wright at a Red Roof Inn in Durham, North Carolina. Their room was searched pursuant to a search warrant. Inside, officers found a black .357 revolver consistent with the one pictured on Stanback's phone. This gun was loaded with .38 caliber ammunition consistent with the ammo found in the stolen Honda Accord (YNY-7712). Officers also found a large paper bag containing Newport cigarettes and Game cigars consistent with the merchandise stolen from Tommy's Citgo on December 4, 2016. Forensics found latent fingerprints in the room that matched Wright, Stanback, and Lunsford.

25. Officers recovered multiple cell phones from the room. One of these phones was an Apple iPhone 6, bearing IMEI number 359316065963123, associated with the telephone number 704-293-2657. This is the telephone number saved in Stanback's phone described in Paragraph 22 above as the contact "Trigg." DPD officers obtained a state search warrant to examine this phone. Officers were unable to bypass the passcode; however, they were able to determine that the device was named "Trez iPhone." The lock screen on the phone depicted Wright holding a gun and cash.



26. On January 11, 2017, at approximately 12:02 p.m., DPD officers responded to a carjacking in the parking lot of the Bed Bath and Beyond located at 3616 Witherspoon Boulevard in Durham, North Carolina. The reporting party, M.G., told officers that she got out of her car and turned around to find a suspect pointing a black pistol pointed at her. The suspect demanded her keys and reached to grab them. The suspect fled in M.G's 2013 teal Honda CRV (RZT-400). That same day around 5:00 p.m., DPD officers received a call about suspicious activity. The caller reported that two suspects wearing gloves were wiping down a blue Honda CRV and a red Toyota in the

parking lot of his business. Responding officers found the stolen 2013 teal Honda CRV (RZT-400), backed into the driveway of a nearby vacant house at 417 Salem Street. Officers discovered personal property from the stolen car in a dumpster on Salem Street. Forensics recovered fingerprints from a CD discarded in the dumpster, which matched Lunsford. M.G. was subsequently shown a photographic lineup. She initially identified two photographs as individuals who could have been the person who stole her car, before choosing the picture of Lunsford, stating that his photo seemed more like the person who stole her car.

27. On January 15, 2017, at approximately 9:45 p.m., DPD officers responded to a carjacking at the apartment complex located at 2920 Chapel Hill Road, in Durham, North Carolina. The victim, C.R., reported that two suspects approached her after she parked her father's 2015 blue Honda Accord (DKH-6915). One suspect brandished a black handgun, the other a silver revolver. One of the suspects told C.R. to "Gimme all your stuff" (sic). The suspects patted her down and took money and her driver's license. The suspects then fled in the 2015 blue Honda Accord (DKH-6915).

28. On January 18, 2017, DPD officers recovered the stolen 2015 blue Honda Accord (DKH-6915), which had been abandoned in the parking lot of Town Campus Apartments at 910 West Trinity Avenue. At the time of its

recovery, the vehicle was running, a door was ajar, and it was playing music. Forensics recovered fingerprints from the rear quarter panel, which matched Lunsford.

29. On January 24, 2017, officers arrested Lunsford on outstanding warrants. At the time of his arrest, Lunsford had in his possession a cellular telephone, IMEI number 359578071164554, with the telephone number 919-590-2408. Officers obtained a search warrant and examined the phone. The phone had the Facebook messenger application and the Facebook application installed. The phone contained information about a Google Photos account bearing the name "Jamel Lunsford," and a Google Drive account bearing the username "jamellunsford1997@gmail.com." In response to a text asking "who is this???" The user of the phone responded "Action."

30. The phone contained the follow text conversation in which the parties appear to discuss the November 27, 2016, armed robbery of the Wingstop located at 7880 Alexander Promenade Place in Raleigh, North Carolina:

Inbox	From +19195145429	1/23/2017 5:55:17 PM(UTC-5)	Read	Jus got off the phone wit trigger
Sent	To +19195145429	1/23/2017 5:56:07 PM(UTC-5)	Sent	Wrd up wht he talking bout
Inbox	From +19195145429	1/23/2017 6:11:19 PM(UTC-5)	Read	Nun wat we doing he love us he jus got the boxing a blood nigga snuck him in the line for food and him and another nigga broke his face
Sent	To +19195145429	1/23/2017 6:18:47 PM(UTC-5)	Sent	Ain't it's sum trey niggaz in there wit em
Inbox	From +19195145429	1/23/2017 6:19:34 PM(UTC-5)	Read	Hell yeah trigger in them put him in the hospital
Sent	To +19195145429	1/23/2017 6:20:09 PM(UTC-5)	Sent	Wrd up he say wht them folks talking bout
Inbox	From +19195145429	1/23/2017 6:20:43 PM(UTC-5)	Read	They talking 5-8 for Realigh wing stop
Inbox	From +19195145429	1/23/2017 6:20:54 PM(UTC-5)	Read	He said that's wat the judge said
Sent	To +19195145429	1/23/2017 6:21:39 PM(UTC-5)	Sent	Do they got proof
Inbox	From +19195145429	1/23/2017 6:22:05 PM(UTC-5)	Read	No they shouldn't doe that's wat I gotta ask him
Sent	To +19195145429	1/23/2017 6:22:53 PM(UTC-5)	Sent	Chief got charge with tht t2
Inbox	From +19195145429	1/23/2017 7:01:25 PM(UTC-5)	Read	Hell yeah trigger jus told me eligh took his time he got 3-5 he in prison
Sent	To +19195145429	1/23/2017 7:25:08 PM(UTC-5)	Sent	Took his tyme for wht
Inbox	From +19195145429	1/23/2017 7:26:01 PM(UTC-5)	Read	For the chit they said he snitched about
Sent	To +19195145429	1/23/2017 7:27:08 PM(UTC-5)	Sent	Oh ok cuz if u tke a plea that make everybody look guilty
Inbox	From +19195145429	1/23/2017 7:27:51 PM(UTC-5)	Read	Hell yeah

I believe that the other party is talking about Wright (Trigger). At this time, Wright had pending charges related to the Wingstop robbery in Wake County case number 16CR224329. I believe that these texts discuss how much time Wright is facing for this charge (“they talking 5-8 for Realigh wing stop”) (sic). I believe they also discuss whether the state has any evidence (“Do they got proof” and “No they shouldn’t doe that’s wat I gotta ask him”) (sic). I

believe that they are discussing the fact that Stanback (Chief) was also charged with the robbery ("Chief got charge with tht t2") (sic). At this time, Stanback had pending charges related to the Wingstop robbery in Wake County case number 16CR224330. I also believe that these texts discuss Elijah Swain serving a sentence of imprisonment ("Hell yeah Trigger just told me Eligh took his time he got 3-5 he in prison") (sic). I believe that they are discussing the fact that Swain's sentence was for a different offense, which they thought was a good thing because his plea could make them all look guilty ("Took his tyme for wht," "for the chit they said he snitched about," and "oh ok cuz if u tke a plea that make everybody look guilty") (sic). At this time, Swain was serving an active sentence of twenty-five months minimum to forty-two months maximum as a result of his plea of guilty on January 3, 2017, in the Superior Court of Durham County in case number 14CRS58064 to the felony offense of conspiracy to commit robbery with a dangerous weapon with a listed date of offense of August 24, 2014.

The Facebook Accounts

31. Facebook owns and operates a free-access social networking website of the same name. Facebook can be accessed via the internet by visiting <http://www.facebook.com> or via the free Facebook application that is available for most mobile devices using the Apple iOS mobile operating

system (used by Apple iPhones, iPads, and iPod Touch devices) or the Google Android mobile operating system (used by Android phones and tablet devices).

32. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share photographs, videos, and other information with other Facebook users, and sometimes with the public.

33. Facebook asks users to provide basic contact and personal identifying information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers (for password retrieval), physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Facebook also assigns an email address to each user account.

34. A Facebook user can connect directly with other Facebook users by sending a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account includes a list of that user's "Friends"

and a “News Feed,” which highlights information about the user’s “Friends,” such as profile changes, upcoming events, and birthdays.

35. Facebook users can create profiles that include photographs, lists of personal interests, and other personal information. Users can upload “Profile Pictures,” which typically depict the user. Users can also upload a “Cover Photo” which is displayed at the top of their profile page. Facebook users can also post “status” updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can “check in” to particular locations or add their geographic locations to their Facebook posts, thereby revealing their geographic locations at particular dates and times. A particular user’s profile page also includes a “Wall,” which is a space where the user and his or her “Friends” can post messages, attachments, and links that will typically be visible to anyone who can view the user’s profile.

36. Facebook allows users to upload photos and videos. It also provides users the ability to “tag” (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. For Facebook’s purposes, the photos and videos associated with a user’s account will include all photos and videos uploaded by that user that have not been deleted, as

well as all photos and videos uploaded by any user that have that user tagged in them.

37. Facebook users can exchange private messages on Facebook with other users. These messages, which are similar to e-mail messages, are sent to the recipient's "Inbox" on Facebook, which also stores copies of messages sent by the recipient, as well as other information. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile. In addition, Facebook has a Chat feature that allows users to send and receive instant messages through Facebook. These chat communications are stored in the chat history for the account.

38. Each Facebook account has an activity log, which is a list of the user's posts and other Facebook activities from the inception of the account to the present. The activity log includes stories and photos that the user has been tagged in, as well as connections made through the account, such as "liking" a Facebook page or adding someone as a friend. The activity log is visible to the user but cannot be viewed by people who visit the user's Facebook page.

39. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts.

By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to friends, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users.

40. In addition to the user-generated content, social networking providers like Facebook typically retain additional information about their users' accounts, such as information about the length of service (including start date), the types of service utilized, the IP addresses and devices used to access the service, and the means and source of any payments associated with the service (including any credit card or bank account number).

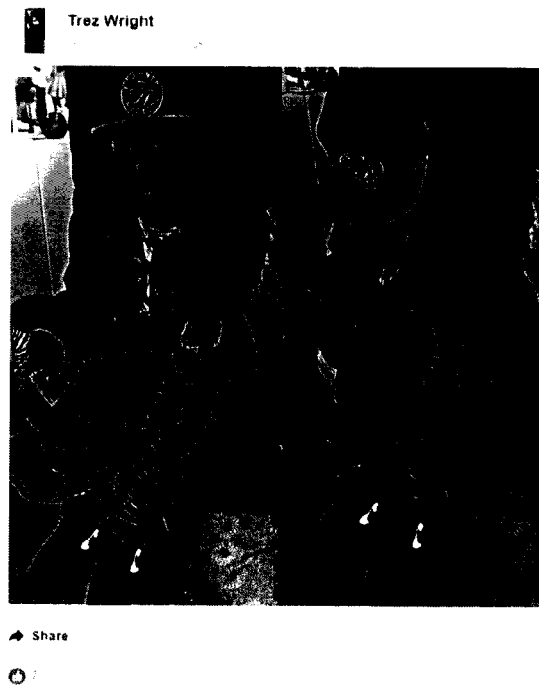
41. Facebook data is stored on servers owned and operated by Facebook and may not be stored directly on a user's computer or mobile device, though computer forensic evidence may be present on the device indicating Facebook use.

42. Therefore, the computers of Facebook are likely to contain the material sought by this warrant, including stored electronic communications and information concerning the target user/subscriber and their Facebook activities.

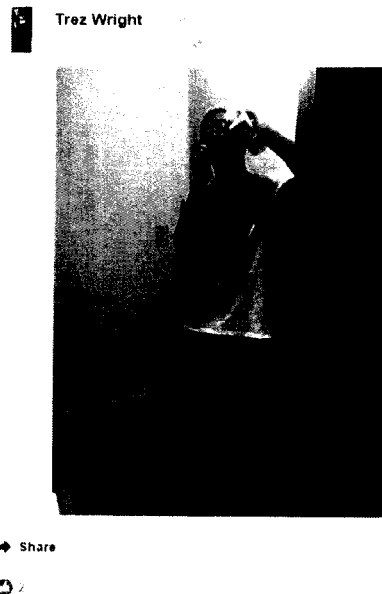
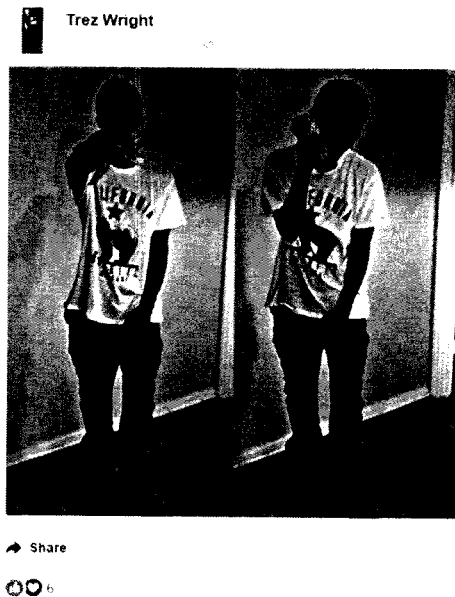
43. As part of my investigation, I attempted to identify Facebook accounts associated with Wright, Stanback, Lunsford, and Swain and to review the publicly available information on each.

44. One of the accounts I reviewed was the Facebook user "InsaneRyder" with Facebook ID "1536034846," available at www.facebook.com/InsaneRyder. This account displayed the name "Trez Wright." I believe that this account belongs to Wright.

45. I have reviewed booking photographs of Wright, and I am familiar with his appearance. In reviewing the Facebook page for user "InsaneRyder," I observed numerous pictures of Wright, including a profile picture, uploaded on December 8, 2016, which appears to depict Wright holding cash.



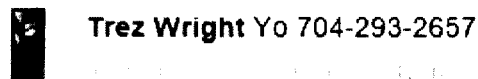
46. In addition, I observed two cover photos updated on September 10, 2016, which both appear to depict Wright holding cash.



47. I watched a video on the Facebook page for the user “InsaneRyder,” dated September 17, 2016, which appears to depict Wright holding cash while standing over a silver and black handgun. A screenshot taken from this video is included below.

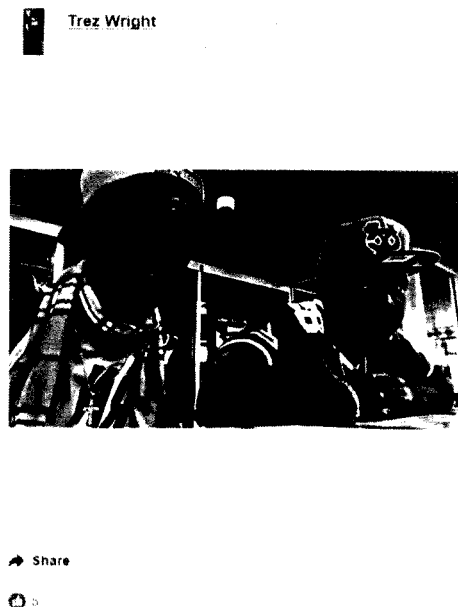


48. On January 19, 2016, this user posted a comment on one of his profile pictures with the telephone number 704-293-2657.



I recognize this number as the telephone number saved in Stanback’s phone (described in Paragraph 22 above) as the contact “Trigg,” and the number for one of the phones seized at the time of Wright’s arrest (described in Paragraphs 24-25 above).

49. I have reviewed booking photographs of Lunsford, and I am familiar with his appearance. Two of the cover photos associated with the user “InsaneRyder” appear to depict Wright and Lunsford together. The first was updated on November 22, 2016. This picture appears to depict Wright standing on the left side of the image in gold clothing, and Lunsford on the right side of the image in blue clothing.



50. The second cover photo was updated on October 29, 2016. This picture appears to depict Wright standing on the right side of the image in red clothing, Lunsford in the center of the image holding cash, and Swain on the left side of the image in black and grey clothing.



Another Facebook user displaying the name “Beaver Loc” commented on this image. “Beaver Loc” and “Trez Wright” are listed as Facebook friends.

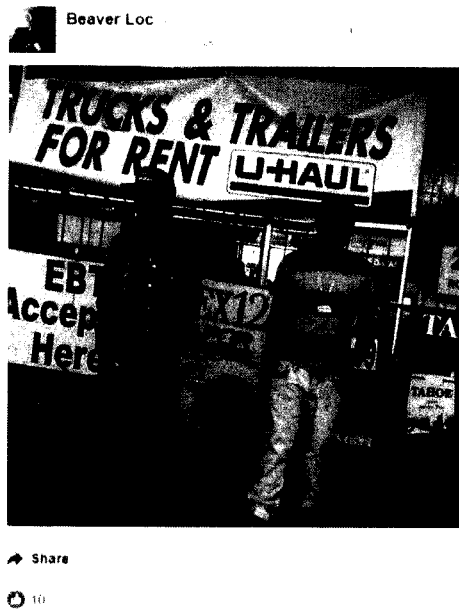
51. I reviewed the publicly available Facebook page for the user displaying the name “Beaver Loc.” This page is associated with Facebook user “jamel.lunsford” with Facebook ID “100002312558268,” available at www.facebook.com/jamel.lunsford. This account displays both the names “Beaver Loc” and “Action.” The profile page states that the user lives in Durham, North Carolina and is from Durham, North Carolina. I believe that this account belongs to Lunsford.

52. In reviewing the Facebook page for user “jamel.lunsford,” I observed numerous pictures of Lunsford, including a profile picture, uploaded

on February 21, 2016, which appears to depict Lunsford holding cash. A handgun is visible on Lunsford's lap.



53. One of the cover photos uploaded by user “jamel.lunsford” on November 23, 2016, appears to depict Wright and Lunsford together. This photo appears to depict Wright standing on the left side of the image in a gold cap, and Lunsford on the right side of the image in a blue cap.



54. While reviewing the Facebook page for user “jamel.lunsford,” I observed a photo uploaded by the user on November 4, 2016, which depicts four individuals brandishing handguns. I believe that the individual on the far right of the image wearing blue is Lunsford, and the individual to the left wearing a black shirt is Wright.



Beaver Loc
Beaver Loc



Share

5

55. Another one of the accounts I reviewed was Facebook user “thomas.stanback.56” with Facebook ID “100003516505154,” available at www.facebook.com/thomas.stanback.56. This account displayed the user name as “Thomas Stanback.” The profile page for this account states that the user lives in Durham, North Carolina and is from Durham, North Carolina. The profile page also states that the user attended Southern High School. I

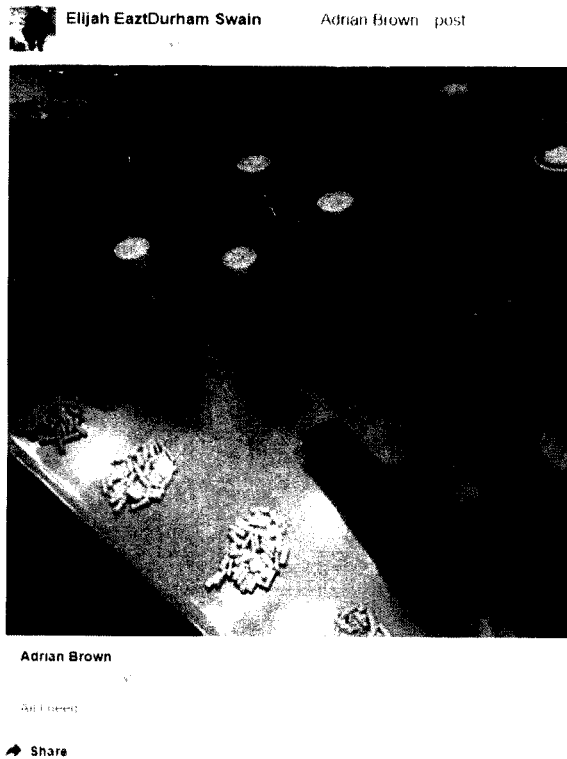
know that Stanback attended Southern High School. I believe that this account belongs to Stanback.

56. I have reviewed booking photographs of Stanback, and I am familiar with his appearance. In reviewing the Facebook page for user "thomas.stanback.56," I observed numerous pictures of Stanback. The profile page for this user does not show any publicly visible activity since April 2015.

57. Another one of the accounts I reviewed was Facebook user "elijah.swain.37" with Facebook ID "100001205943752," available at www.facebook.com/elijah.swain.37. This account displayed the user name as "Elijah EaztDurham Swain." The profile page for this account states that the user is from Durham, North Carolina. I believe that this account belongs to Swain.

58. I have reviewed booking photographs of Swain, and I am familiar with his appearance. In reviewing the Facebook page for user "elijah.swain.37," I observed numerous pictures of Swain.

59. While reviewing the profile page for user "elijah.swain.37," I observed that on June 16, 2016, the user shared a post from another user entitled "All I need." This post includes a picture of pills, liquid medicine bottles, and guns.



60. I also observed a picture dated October 11, 2015, which depicts Swain holding a handgun loaded with an extended magazine.



61. I also saw that previously, on May 25, 2014, the user “elijah.swain.37,” had uploaded a picture of a loaded extended magazine.



CONCLUSION

62. Based on the forgoing, I believe that there is probable cause to believe that evidence of violations of 18 U.S.C. §§ 371, 924(c), 1951, and 2119 are contained in the records of the Facebook user account identified in Attachment A, and I request that this Court issue a warrant requiring Facebook to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

63. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant. Because the warrant will be served on Facebook Inc. who will then compile the requested records at a time convenient to Facebook Inc., reasonable cause exists to support execution of the requested warrant at any time day or night.

Respectfully submitted,



Michael Chamberlin
ATF Task Force Officer

Subscribed and sworn to before me this the 24th day of August, 2017.



Joe L. Webster
United States Magistrate Judge

11:35 AM

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the Facebook user account “elijah.swain.37” with Facebook identification number 100001205943752 that is stored at premises owned, maintained, controlled, or operated by Facebook Inc., a company headquartered in Menlo Park, California.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Facebook

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook Inc. ("Facebook"), including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government:

- (a) All contact and personal identifying information associated with the Facebook user name "elijah.swain.37" with Facebook ID 100001205943752, including: full name, email address, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers;
- (b) All mobile device information associated with each user profile, to include telephone number, date of activation and any universally unique identifier (UUID) associated with such devices;

- (c) All activity logs for the account and all other documents showing the user's posts and other Facebook activities;
- (d) All photos and videos uploaded by that user and all photos and videos uploaded by any user that have that user tagged in them;
- (e) All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including friends and user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications;
- (f) All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending "Friend" requests;
- (g) All "check ins" and other location information;
- (h) All IP logs, including all records of the IP addresses that logged into the account with user agent strings, along with any information about devices used to access the account;

- (i) All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked";
- (j) All information about the Facebook pages that the account is or was a "fan" of;
- (k) All past and present lists of friends created by the account;
- (l) All records of Facebook searches performed by the account;
- (m) All information about the user's access and use of Facebook Marketplace;
- (n) The types of service utilized by the user;
- (o) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
- (p) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account; and,
- (q) All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account,

including contacts with support services and records of actions taken.

II. Information to be seized by the government

All information described above in Section I that constitutes evidence of violations of 18 U.S.C. §§ 371, 924(c), 1951, and 2119, contained in the records of the user identified on Attachment A, in the form of the following:

- (a) Information relating to the identity of the person(s) who created or used the account;
- (b) Information related to phones utilized by the person(s) who created or used the account or any of the above-listed suspects (Wright, Swain, Stanback, and Lunsford);
- (c) Information relating to the location of the user of the account at times relevant to the offenses under investigation;
- (d) Information relating to the relationship(s) between or amongst the above-listed suspects (Wright, Swain, Stanback, and Lunsford) including but not limited to communications, joint photographs, or mutual associations;
- (e) Information related to the identity of any other individual who participated in, solicited, aided and abetted, or conspired to commit the listed offenses;

- (f) Information related to the planning or commission of robberies;
the possession of firearms, ammunition, or other weapons; or the
possession of cash, jewelry, or other fruits of criminal activity;
- (g) Information related to membership in or association with any
criminal street gang; and,
- (h) Information related to the appearance and clothing of the above-
listed suspects (Wright, Swain, Stanback, and Lunsford) at times
relevant to the offenses under investigation.

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC BUSINESS
RECORDS PURSUANT TO FEDERAL RULE OF EVIDENCE 902(11)**

I, _____, attest, under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct. I am employed by Facebook, and my official title is _____. I am a custodian of records for Facebook. I state that each of the records attached hereto is the original record or a true duplicate of the original record in the custody of Facebook, and that I am the custodian of the attached records consisting of _____ (pages/CDs/kilobytes). I further state that:

- a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth, by, or from information transmitted by, a person with knowledge of those matters;
- b. such records were kept in the ordinary course of a regularly conducted business activity of Facebook; and
- c. such records were made by Facebook as a regular practice.

I further state that this certification is intended to satisfy Rule 902(11) of the Federal Rules of Evidence.

Date

Signature